IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 24TH NOVEMBER, 2006 /3RD AGRAHAYANA, 1928

WP(C).No. 31231 of 2006(S)

(MO.NO.230/2004 of FAMILY COURT, KANNUR)
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PETITIONER:

KANDATHIL MUHAMMED KUNHI,
AGED 33 YEARS, ETTIKULAM P.O.,
RAMANTHALLY VIA., KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:
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1. SHAHAZADA M.T., AGED 8 YEARS, (MINOR),
REP. BY HER MOTHER, MEETHAL THAYAL SAHIDA,
AGED 26 YEARS, D/O.ABDUL SALAM,
RESIDING AT RAMANTHALLY AMSOM, ETTIKULAM DESOM,
POST RAMANTHALLY, KANNUR DISTRICT.

2. MEETHAL THAYAL SAHIDA,
AGED 26 YEARS, D/O.ABDUL SALAM,
RESIDING AT RAMANTHALLY AMSOM, ETTIKULAM DESOM,
POST RAMANTHALLY, KANNUR DISTRICT.

3. THE FAMILY COURT,
KANNUR.

4. THE SUB INSPECTOR OF POLICE,
PAYYANNUR, KANNUR DISTRICT.

R3 & R4 BY GOVT. PLEADER SMT.LATHA THANKAPPAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & A.K.BASHEER, JJ.

W.P.(C).NO. 31231 OF 2006 – S

Dated this the 24th day of November, 2006

J U D G M E N T

Basheer, J.

Petitioner is the former husband of respondent No.2. Admittedly, petitioner has suffered an order under Section 125 of the Code of Criminal Procedure which directed him to pay maintenance to his minor child at the rate of Rs.1500/- with effect from 8th February, 2005. The case of the petitioner is that he was not aware of the above proceedings and that his former wife had initiated the proceedings against him contrary to the agreement arrived at between the parties when the marital relationship was terminated and dues payable to the former wife were settled.

2. We do not propose to deal with the above contention at this stage, in view of the limited payer made by learned counsel for the petitioner at the Bar. It is submitted that petitioner, on coming down from the Middle East, has applied for a certified copy of the order. In the meanwhile, coercive steps are being taken against him by the Family Court. A non-bailable warrant has been issued against him. If the petitioner is arrested even before he obtains a certified copy of

the order, it may cause irreparable hardship and inconvenience to him. The limited prayer is to issue a direction to the court below to furnish a certified copy of the order so that petitioner can pursue the remedies available to him under law.

3. Having regard to the entire facts and circumstances of the case, we do not deem it necessary to issue notice to the respondents.

4. The writ petition is disposed of with a direction to the Family Court, Kannur to issue certified copy of the order in M.C.No.230 of 2004 to the petitioner as expeditiously as possible, at any rate within two weeks from the date of receipt of a copy of this judgment. The non-bailable warrant, if any, pending against the petitioner shall not be executed for a period of one month if he deposits a sum of Rs.15,000/- before the court below within ten days from today.

M. Ramachandran, Judge

A.K.Basheer, Judge

Mbs/

M. RAMACHANDRAN &
A.K.BASHEER, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006